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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ASHLEY WILSON, as an individual and on  
behalf of others similarly situated,

Plaintiff,

v.

PETER KIEWIT SONS, INC., a corporation,  
and KIEWIT PACIFIC CO., a corporation and  
DOES 1 through 100, inclusive,

Defendants.

CASE NO.: C 09-03630 SI

[PROPOSED] ORDER TO DISMISS  
DEFENDANT PETER KIEWIT SONS, INC.  
WITHOUT PREJUDICE AND TO GRANT  
LEAVE TO AMEND

**ORDER**

This matter is before the Court on the Stipulation Re: Dismissal of Peter Kiewit Sons, Inc. and Leave to Amend. The Court, having considered the Stipulation, now finds that the Stipulation should be granted.

**PURSUANT TO STIPULATION, IT IS SO ORDERED** as follows:

1. Defendant Peter Kiewit Sons, Inc. is dismissed without prejudice from the First Amended Complaint.

2. Plaintiff and all Defendants shall bear their own costs and attorneys' fees in connection with the dismissal of Defendant Peter Kiewit Sons, Inc.

3. Plaintiff is granted leave to file her Second Amended Complaint which shall be filed and served within five (5) days of this Order.

4. Pursuant to Fed. R. Civ. P. 15(a)(3), Defendant shall have fourteen (14) days from the service of the Second Amended Complaint to respond to Plaintiff's Second Amended Complaint. If service is achieved by United States mail, Defendant shall have an additional three (3) days to respond.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_



Honorable Judge Susan Illston  
United States District Judge